

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jonathan Phillips	Team: Team # 6	CCRB Case #: 201202500	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 02/26/2012 4:04 PM	Location of Incident: § 87(2)(b)	Precinct: 47	18 Mo. SOL 8/26/2013	EO SOL 8/26/2013	
Date/Time CV Reported Mon, 02/27/2012 10:01 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 02/27/2012 10:01 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Johnny Rivera	09325	949548	PBBX
2. POM Brandon Ravelo	26010	948409	PBBX
3. POM Jason Campbell	08571	948738	PBBX
4. POM Vicente Gonzalez	25245	948214	PBBX

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Joseph Reeves	04500	949532	PBBX

Officer(s)	Allegation	Investigator Recommendation
A.POM Jason Campbell	Discourtesy: PO Jason Campbell spoke discourteously to § 87(2)(b)	§ 87(2)(b)
B.POM Brandon Ravelo	Discourtesy: PO Brandon Ravelo spoke discourteously to § 87(2)(b)	§ 87(2)(b)
C.POM Johnny Rivera	Abuse: PO Johnny Rivera threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
D.POM Johnny Rivera	Force: PO Johnny Rivera used physical force against § 87(2)(b)	§ 87(2)(b)
§ 87(4-b), § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

Case Summary

§ 87(2)(b) contacted the Civilian Complaint Review Board (CCRB) over the telephone on February 27, 2012, and she reported the following incident on behalf of her son, § 87(2)(b) (encl. 6). § 87(2)(b) was a witness to the incident.

At approximately 4:04 p.m. on February 26, 2012, PO Joseph Reeves of Patrol Borough Bronx responded to a domestic dispute at § 87(2)(b) the Bronx and arrested § 87(2)(b) PO Johnny Rivera, PO Brandon Ravelo, and PO Jason Campbell – all of Patrol Borough Bronx – responded to the location and transported § 87(2)(b) in their vehicle to the 47th Precinct stationhouse. The following allegations resulted during this incident:

- **Allegation A: Discourtesy: PO Jason Campbell spoke discourteously to § 87(2)(b)**
- **Allegation B: Discourtesy: PO Brandon Ravelo spoke discourteously to § 87(2)(b)**

§ 87(2)(g)

- **Allegation C: Abuse of Authority: PO Johnny Rivera threatened § 87(2)(b) with the use of force.**
- **Allegation D: Force: PO Johnny Rivera used physical force against § 87(2)(b)**

§ 87(2)(g)

- § 87(4-b), § 87(2)(g)

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

- *At the time of the incident, § 87(2)(b) was a § 87(2)(b) black male with black hair and brown eyes who stood 5'8", 135 lbs.*

CCRB Statements

§ 87(2)(b) provided a telephone statement on March 29, 2012 (encl. 7). He was interviewed at the CCRB on April 2, 2012 (encl. 8). § 87(2)(g)

At approximately 4:04 p.m. on February 26, 2012, PO Joseph Reeves and PO Vicente Gonzalez (both identified via investigation) arrested § 87(2)(b) in the rear of his building located at

§ 87(2)(b) in the Bronx, following a dispute § 87(2)(b) had with his girlfriend, § 87(2)(b) made no complaint about the circumstances leading to his arrest.

PO Johnny Rivera (identified by § 87(2)(b) via nameplate and described by him as a uniformed Hispanic male who stood 5'7", 185 lbs.), PO Brandon Ravelo (identified via investigation and described by § 87(2)(b) as a uniformed Hispanic male who stood 5'7", 200 lbs.), and PO Jason Campbell (identified via investigation and described by § 87(2)(b) as a uniformed black male who stood 6', 200 lbs.) pulled up in front of § 87(2)(b)'s building in a marked police van. Standing outside the building when the van arrived were § 87(2)(b)'s sister, § 87(2)(b) his mother, § 87(2)(b) and his friend, § 87(2)(b) § 87(2)(b)'s father, § 87(2)(b) was also present and he was arguing with § 87(2)(b) in front of the building. Also present was § 87(2)(b) § 87(2)(b)

PO Campbell placed § 87(2)(b) who was in handcuffs, into the rear of the van. While he was seated inside the van, § 87(2)(b) heard § 87(2)(b) continuing his argument with § 87(2)(b) and he heard § 87(2)(b) in reference to § 87(2)(b) say, "[She] sucks mad dicks and is a crackhead!" § 87(2)(b) grew angry and he stood up inside of the van and told PO Campbell and PO Ravelo, "You guys better get § 87(2)(b) before I get out of these handcuffs and throw him a beating." PO Campbell and PO Ravelo both told § 87(2)(b) "Sit down. It's not that serious, he's just talking shit." § 87(2)(b) did not report this comment in his telephone statement provided on March 29, 2012, and he stated only that PO Campbell and PO Ravelo told him to "sit down." § 87(2)(b) complied with the order and he sat down.

Immediately after § 87(2)(b) sat down inside the van, PO Rivera rushed into the van and told § 87(2)(b) "You keep screaming and talking like that and I will break your face!" In his telephone statement, § 87(2)(b) alleged that PO Rivera said, "Shut the fuck up or I'll break your face!" § 87(2)(b) did not allege that PO Rivera used the word "fuck" when interviewed at the CCRB. § 87(2)(b) responded, "If you're going to do something, just do it." PO Rivera reached towards § 87(2)(b) grabbed him by the throat, and pressed his face into a window inside the van for about ten seconds; during this time, § 87(2)(b) continued breathing and he yelled to his mother, "Ma', police brutality!" The left side of § 87(2)(b)'s face made contact with the window, and as a result of the contact with the window, a portion of the lower second premolar tooth on the right side of § 87(2)(b)'s mouth fractured and he began to bleed from his mouth (depicted in photograph of tooth taken at CCRB on April 2, 2012) (*encl. 8C*). § 87(2)(b) shouted, "Ay, man, you broke my tooth" and he spit his tooth out. PO Rivera replied, "Oh, well." § 87(2)(b) did not report making any additional statements about his teeth to any officer. § 87(2)(b) removed her cell phone and recorded what PO Rivera did to § 87(2)(b). According to § 87(2)(b) following the incident, § 87(2)(b) dropped her cell phone in the toilet and damaged the phone that she recorded the incident on. § 87(2)(b) stated that the video footage was no longer available.

§ 87(2)(b) was transported to the 47th Precinct stationhouse and then to Bronx Central Booking. There, § 87(2)(b)'s photograph was taken. § 87(2)(b) did not receive any medical treatment, including dental work, either while in police custody or after the incident, and he did not report making any additional statements about his tooth to any other police officer whom he interacted with while in custody.

Complainant/Witness: § 87(2)(b)

- § 87(2)(b) *is the mother of* § 87(2)(b)

Telephone Statement

§ 87(2)(b) reported this incident over the telephone on February 27, 2012 (*encl. 6*). § 87(2)(b) reported that after § 87(2)(b) was handcuffed and placed inside a police van, PO Brandon Ravelo (identified via investigation and described by § 87(2)(b) as a uniformed white male with a round face whose shield number, 26010, § 87(2)(b) obtained from his shield) placed two hands around § 87(2)(b)'s throat and choked him. § 87(2)(b) stated that she knocked on the window and recorded PO Ravelo on her cell phone. When § 87(2)(b) pointed her camera towards PO Ravelo, PO Ravelo waved at her. § 87(2)(b) did not report that § 87(2)(b)'s face made contact with the window, and she did not report that he sustained any injuries, including a fractured tooth.

§ 87(2)(b) was contacted over the telephone on March 7, 2012, and she stated that the video footage she recorded did not capture anything that the police did to her son because she was distracted and was speaking to another officer outside of the van during the time that she pointed her cell phone towards the van with her left hand. On October 3, 2012, § 87(2)(b) was reached again over the telephone and she scheduled an appointment to be interviewed at the CCRB on October 11, 2012. § 87(2)(b) failed to appear for her interview on October 11, 2012. On January 14, 2013, § 87(2)(b) was reached again over the telephone and she stated that she had no interest in rescheduling an appointment to be interviewed.

Witness: § 87(2)(b)

- § 87(2)(b) *was identified by* § 87(2)(b) *and* § 87(2)(b) *as a witness to this incident. He stated that he befriended* § 87(2)(b) *about seven months before the incident in question.*

Telephone Statement

§ 87(2)(b) provided a telephone statement on April 20, 2012 (*encl. 9*). § 87(2)(b) stated that § 87(2)(b) climbed out of his apartment's window and climbed down the fire escape into the backyard of his building where he was handcuffed by PO Reeves and PO Gonzalez (identified via investigation). PO Reeves and PO Gonzalez escorted § 87(2)(b) to the front of the building and placed him into the last row of seats inside a marked police van.

§ 87(2)(b) sat on the front stoop of the building with § 87(2)(b) and heard § 87(2)(b) – while seated inside the van – yelling at § 87(2)(b) and her family, who were positioned near the police van. At the time, § 87(2)(b) and § 87(2)(b) were seated about ten feet away from the police van. § 87(2)(b) saw PO Rivera (identified via investigation) enter the van, grab § 87(2)(b) by the throat with two hands, and press his face one time against a rear window of the van that was facing the building that § 87(2)(b) was seated in front of. PO Rivera held his hands around § 87(2)(b)'s throat for about 90 seconds, during which time § 87(2)(b) continued screaming out of the van to § 87(2)(b) and her family. From where he was positioned, § 87(2)(b) could not hear what PO Rivera or any other officer on scene said to § 87(2)(b) and he did not hear PO Rivera threaten § 87(2)(b) with physical force. § 87(2)(b) never saw § 87(2)(b) bleeding.

Three voicemail messages were left for § 87(2)(b) to schedule an interview at the CCRB between April 20, 2012, and April 17, 2013. In addition, two contact letters – which have not been returned to the CCRB via the United States Postal Service – were mailed to his address during the same time period. As of the date of this report, § 87(2)(b) has not contacted the CCRB. A search of the NYC Department of Corrections website on June 20, 2013, did not show that he was incarcerated.

Witness: § 87(2)(b)

- § 87(2)(b) was identified via NYPD SPRINT as a witness to this incident. She is the step-mother of § 87(2)(b)

Telephone Statement

§ 87(2)(b) provided a telephone statement on April 16, 2013 (*encl. 10A*). § 87(2)(b) stated that § 87(2)(b) punched her in the face while § 87(2)(b) attacked her step-daughter, § 87(2)(b) by placing his hands around her throat and strangling her. § 87(2)(b) defended herself by pulling § 87(2)(b)'s hands off of her neck, and § 87(2)(b) pulled § 87(2)(b) off of § 87(2)(b) by grabbing his arms. Neither § 87(2)(b) nor § 87(2)(b) made physical contact with § 87(2)(b)'s face, and § 87(2)(b) never saw § 87(2)(b) bleeding and she never learned about him fracturing a tooth.

§ 87(2)(b) stated that she grew fearful for the safety of her children and that she left the location and dialed 911 to report the assault. § 87(2)(b) then went to a nearby store to obtain ice for her face, and as she did so she saw police officers running towards the building, but she stated that she did not see a police van. § 87(2)(b) did not observe § 87(2)(b)'s physical apprehension, and she stated that she saw no interaction between § 87(2)(b) and the police; § 87(2)(b) did not see § 87(2)(b) being placed into a police van.

Witness: § 87(2)(b)

- § 87(2)(b) was identified by § 87(2)(b) and § 87(2)(b) as a witness to this incident.

Telephone Statement

§ 87(2)(b) provided a telephone statement on September 14, 2012 (*encl. 10B*). § 87(2)(b) did not recall this incident, and she did not recall witnessing any arrests performed by the NYPD on the date in question or in the last year. § 87(2)(b) stated that she had difficulty remembering what happened last week. She stated that she did not know anybody by the name § 87(2)(b)

Attempts to Contact Civilians

Between April 20, 2012, and October 1, 2012, the undersigned investigator called § 87(2)(b) and left three voicemail messages asking her to contact the CCRB. In addition, between February 20, 2013, and April 16, 2013, the undersigned investigator placed four telephone calls to § 87(2)(b) and § 87(2)(b) but was only able to leave one voicemail message asking them to contact the CCRB; the three other calls produced automated voices stating that the subscribers were not accepting calls. Contact letters – which have not been returned to the CCRB via the United States Postal Service – were mailed to § 87(2)(b) and § 87(2)(b) between October 1, 2012, and April 16, 2013. As of the date of this report, none of the aforementioned individuals has contacted the CCRB. Searches of the NYC Department of Corrections website on June 20, 2013, did not show that either individual was incarcerated.

NYPD Statements:

Subject Officer: PO JOHNNY RIVERA

- *At the time of the incident, PO Rivera was a § 87(2)(b)-old Hispanic male with black hair and brown eyes who stood 5'9", 200 lbs.*
- *On February 26, 2012, PO Rivera was assigned to impact auto with PO Brandon Ravelo and PO Jason Campbell and he worked from 2:00 p.m. until 10:35 p.m. PO Rivera was dressed in uniform and he was assigned to RMP #8549, a marked van.*

Memo Book

At 4:20 p.m. PO Rivera recorded that he transported one male to the stationhouse (*encl. 15*).

CCRB Statement

PO Rivera was interviewed at the CCRB on February 22, 2013 (*encl. 17*). PO Rivera prefaced his interview by stating that he did not recall the incident. He viewed the photograph of § 87(2)(b) during his CCRB interview, but he stated that he did not recognize § 87(2)(b). When provided with a brief synopsis of the incident, and when presented with the arrest report completed by PO Reeves, PO Rivera's memory was partially restored.

At approximately 4:20 p.m. on February 26, 2012, PO Rivera arrived with PO Campbell at § 87(2)(b) in response to a request for a prisoner transport. When PO Rivera arrived at the location, he saw § 87(2)(b) standing on the sidewalk with PO Joseph Reeves and PO Vicente Gonzalez. Several of § 87(2)(b)'s family members, including both males and females, were standing on the sidewalk outside the building, and § 87(2)(b) was yelling and cursing at a female, but PO Rivera could not recall exactly what § 87(2)(b) said. PO Rivera did not recall observing any visible injuries to § 87(2)(b) when he first saw him standing on the sidewalk and he did not recall seeing § 87(2)(b) bleeding.

PO Rivera was not involved in placing § 87(2)(b) into the van, but PO Rivera stated that there was a physical struggle during that process. Because everything happened so fast, however, PO Rivera could not recall at the time of his CCRB interview which officers placed § 87(2)(b) into the van, and he could not recall the details of the struggle. PO Rivera did not recall hearing any officers, including PO Ravelo and PO Campbell, issue any verbal commands to § 87(2)(b) and he did not recall hearing either officer curse or use the word "shit" in speaking to him.

PO Rivera stated that once § 87(2)(b) was placed into the van, he sat down in the front passenger's seat of the van and either PO Ravelo or PO Campbell drove the van to the 47th Precinct stationhouse. PO Rivera did not recall if § 87(2)(b) attempted to escape from the van or if he refused to remain seated inside the van. PO Rivera had no recollection of speaking to § 87(2)(b) during this incident and he stated that he did not threaten to "break" § 87(2)(b)'s face or threaten him with physical force. PO Rivera never placed his hands around § 87(2)(b)'s neck or throat and he never pressed § 87(2)(b)'s face against a window in the rear of the van. PO Rivera stated that he had no physical contact with § 87(2)(b) and

that he never saw § 87(2)(b)'s face make contact with any surface inside the van, including a window.

PO Rivera did not recall observing any injuries to § 87(2)(b) and he did not recall seeing § 87(2)(b) bleeding from his mouth or spitting a fragment of his tooth out. PO Rivera did not recall hearing § 87(2)(b) complain about being injured or having his tooth fractured.

Subject Officer: PO JASON CAMPBELL

- *At the time of the incident, PO Campbell was a § 87(2)(b)-old bald-headed black male with brown eyes who stood 6'1", 230 lbs.*
- *On February 26, 2012, PO Campbell was assigned to impact auto with PO Brandon Ravelo and PO Johnny Rivera and he worked from 2:00 p.m. until 10:35 p.m. PO Campbell was dressed in uniform and he was assigned to RMP #5849, a marked van.*

Memo Book

At 4:20 p.m., PO Campbell transported one male to the 47th Precinct stationhouse (*encl. 18*).

CCRB Statement

PO Campbell was interviewed at the CCRB on April 24, 2013 (*encl. 20*). PO Campbell recalled few of the details regarding this incident. PO Campbell stated, based on his entries in his memo book, that he transported one black male to the 47th Precinct stationhouse at approximately 4:20 p.m. on February 26, 2012. PO Campbell did not know why the male was arrested or which officer arrested him.

Upon arrival at the location, PO Campbell saw § 87(2)(b) in handcuffs and he saw a crowd of approximately ten pedestrians gather near him. PO Campbell did not recall how § 87(2)(b) was positioned when he arrived on scene (i.e. either standing, seated on the sidewalk, etc.). PO Campbell did not recall which officers were on scene when he arrived, and specifically, he did not recall seeing either PO Vicente Gonzalez or PO Joseph Reeves on scene.

PO Campbell stated that his primary role on scene was performing crowd control and preventing the pedestrians gathered near the police van from interfering with the placement of § 87(2)(b) into the van. Members of the crowd spoke to § 87(2)(b) but PO Campbell could not recall what they said to him. PO Campbell did not recall any comments that § 87(2)(b) made either to the crowd of pedestrians or to officers on scene.

Two officers (whom PO Campbell could not identify) placed § 87(2)(b) into the van. § 87(2)(b) resisted this movement by moving his elbows, slouching his body, and refusing to move forward. PO Campbell did not see PO Johnny Rivera place his hands onto § 87(2)(b) and PO Campbell stated that neither he nor PO Rivera participated in the placement of § 87(2)(b) into the vehicle.

§ 87(2)(b) was placed onto the last row of seats inside the van and he was compliant in sitting down. PO Campbell did not recall if § 87(2)(b) made any movements after being seated inside the vehicle or whether he lifted himself back onto his feet once he was seated. PO Campbell denied that he or any other officer on scene, including PO Ravelo, told § 87(2)(b) "Sit down, it's not that serious. He's just talking shit." PO Campbell stated that he had no recollection of PO Rivera speaking to § 87(2)(b) or making any physical contact with him. He denied hearing PO Rivera issue § 87(2)(b) any threats of physical force, and he denied hearing PO Rivera tell § 87(2)(b) that he would "break his face." PO Campbell did not see

PO Rivera place his hands around § 87(2)(b)'s throat or neck, or press his face against a window inside the van.

Once § 87(2)(b) was placed into the rear of the van, the officers closed the door and PO Ravelo drove the van to the 47th Precinct stationhouse. Upon arrival at the stationhouse, PO Campbell escorted § 87(2)(b) into the stationhouse and he left § 87(2)(b) standing in front of the front desk with the desk sergeant before returning to his van and resuming patrol. PO Campbell never saw § 87(2)(b) bleeding and he observed no injuries to his face. PO Campbell did not see § 87(2)(b) spit out a fragment of his tooth, and § 87(2)(b) never complained to him about his teeth. PO Campbell did not know if § 87(2)(b) received medical treatment.

Witness Officer: PO JOSEPH REEVES

- *At the time of the incident, PO Reeves was a § 87(2)(b)-old Hispanic male with black hair and brown eyes who stood 5'9", 240 lbs.*
- *On February 26, 2012, PO Reeves was assigned to Impact Foot Post #1-4, located on White Plains Road and Barnes Avenue between E. 222nd Street and E. 217th Street. PO Reeves was dressed in uniform and he worked from 2:00 p.m. until 10:35 p.m.*

Memo Book

At 3:45 p.m., PO Reeves recorded that an assault in progress-family job at § 87(2)(b) was dispatched over the radio (*encl. 11*). PO Reeves recorded that § 87(2)(b) was arrested at 4:04 p.m. for strangulation and assault-3.

Arrest-Related Documents

PO Reeves completed the online booking sheet arrest report for § 87(2)(b) (*encl. 12*). The report notes that § 87(2)(b) went to § 87(2)(b)'s residence in order to deliver documents to him, and that § 87(2)(b) assaulted § 87(2)(b) by punching her, shoving her, and choking her by placing his hands around her neck and obstructing her breathing. § 87(2)(b) was charged with § 87(2)(b). The report notes that § 87(2)(b)'s physical condition was "apparently normal" and that no force was used in apprehending him.

CCRB Statement

PO Reeves was interviewed at the CCRB on February 20, 2013 (*encl. 14*). At approximately 3:45 p.m. on February 26, 2012, PO Reeves and PO Gonzalez were inside a pizzeria near the intersection of E. 218th Street and White Plains Road in the Bronx when § 87(2)(b) (identified via investigation) entered the pizzeria and told PO Reeves and PO Gonzalez that his daughter was being assaulted at a building located on § 87(2)(b).

PO Reeves and PO Gonzalez walked to the intersection of § 87(2)(b) and saw § 87(2)(b) (identified via investigation) standing at the intersection with a bruise to her face. PO Reeves asked § 87(2)(b) what happened, and § 87(2)(b) told him that her boyfriend, § 87(2)(b) punched her in the face. § 87(2)(b) told PO Reeves that she defended herself only by pushing § 87(2)(b) away, but she did not report to PO Reeves that she made contact with § 87(2)(b)'s face. PO Reeves asked § 87(2)(b) for § 87(2)(b)'s address, and she told PO Reeves that § 87(2)(b) lived up the block at § 87(2)(b).

PO Reeves, PO Gonzalez, and § 87(2)(b) walked to § 87(2)(b) and PO Reeves and PO Gonzalez entered the building and knocked on the door of § 87(2)(b)'s apartment, where § 87(2)(b) had directed them to. § 87(2)(b) answered the door and PO Reeves and PO Gonzalez asked her whether § 87(2)(b) was home. § 87(2)(b) told PO Reeves and PO Gonzalez that they could not enter her home, and PO Reeves and PO Gonzalez explained to her that § 87(2)(b) was accused of punching § 87(2)(b). PO Reeves and PO Gonzalez stood at the doorway, and from where he was standing, PO Reeves looked into the apartment and saw § 87(2)(b) climbing out of the window and down the rear fire escape. PO Reeves and PO Gonzalez exited the building and walked to its rear, where they saw § 87(2)(b) and attempted to handcuff him. § 87(2)(b) grabbed hold of a gate and held it for about thirty seconds until PO Reeves and PO Gonzalez overpowered § 87(2)(b) and pulled his arms off of the gate, behind his back, and handcuffed him. § 87(2)(b) did not fall to the ground during this process and his face never made contact with any surfaces at the rear of the building. § 87(2)(b) was not bleeding when PO Reeves first saw him, and § 87(2)(b) did not begin to bleed after PO Reeves and PO Gonzalez handcuffed him; PO Reeves observed no injuries to § 87(2)(b).

Because PO Reeves and PO Gonzalez were working on foot that day and did not have a vehicle, they requested a vehicle transport over the radio. PO Reeves and PO Gonzalez waited in front of the building with § 87(2)(b) and § 87(2)(b) for about two minutes until the van arrived. When the police van arrived, PO Reeves and PO Gonzalez placed § 87(2)(b) into the vehicle. § 87(2)(b) resisted the entry into the van by shrugging his shoulders and pulling his arms away from PO Reeves and PO Gonzalez. To facilitate the entry of § 87(2)(b) into the van, PO Reeves, PO Gonzalez, and other officers (whom PO Reeves could not identify by name) lifted § 87(2)(b) off the ground by grabbing his arms and they carried him into the van. During this time, § 87(2)(b) kicked his legs and yelled, "Fuck you! I don't give a fuck about you cops! This is bullshit! I didn't do anything wrong! You're fucking with me for no reason!" During this time, the only verbal commands issued to § 87(2)(b) consisted of ordering him to cooperate and to get into the van.

The officers placed § 87(2)(b) into the last row of the van, but because PO Reeves immediately turned around to perform crowd control once § 87(2)(b) was placed into the van, he did not see § 87(2)(b) sit down on the seat; § 87(2)(b) did not fall to the ground during his entry into the van, and PO Reeves did not see his face make contact with any surfaces inside the van. PO Reeves performed crowd control for about twenty minutes before the van containing § 87(2)(b) drove away from the scene. During this time, PO Reeves' back was turned towards the van and he therefore did not see any officer, including PO Rivera, enter the van or interact either physically or verbally with § 87(2)(b). PO Reeves did not see PO Rivera place his hands on or around § 87(2)(b)'s neck, and he did not hear PO Rivera tell § 87(2)(b) "I'll break your face!" No threats of physical force were issued to § 87(2)(b).

During the twenty minutes that PO Reeves performed crowd control, PO Reeves spoke to § 87(2)(b) and § 87(2)(b) and explained to them why § 87(2)(b) was being arrested. § 87(2)(b) and § 87(2)(b) stood on the sidewalk about thirty feet away from the police van, as instructed by PO Reeves. PO Reeves did not see or hear § 87(2)(b)'s father speaking to § 87(2)(b) and PO Reeves did not hear any officer tell § 87(2)(b) "He's just talking shit."

PO Reeves did not travel in the van with § 87(2)(b) back to the stationhouse, and stated that he was transported back to the stationhouse by another unit with an RMP. PO Reeves completed § 87(2)(b)'s arrest paperwork at the stationhouse and he saw § 87(2)(b) there. § 87(2)(b) was not bleeding when PO Reeves saw him at the stationhouse, and PO Reeves had no knowledge of § 87(2)(b) sustaining any injuries. § 87(2)(b) did not receive medical treatment while in police custody, and he made no statements to PO Reeves about his teeth or about his face being pressed against a window inside the van.

Subject Officer: PO BRANDON RAVELO

- *At the time of the incident, PO Ravelo was a § 87(2)(b)-old white male with black hair and brown eyes who stood 5'7", 200 lbs.*
- *On February 26, 2012, PO Ravelo was assigned to Impact Auto with PO Jason Campbell and PO Johnny Rivera and he worked from 2:00 p.m. until 11:35 p.m. PO Ravelo was dressed in uniform and he was assigned to RMP #5849, a marked van.*

Subject Officer: PO VICENTE GONZALEZ

- *At the time of the incident, PO Gonzalez was a § 87(2)(b)-old Hispanic male with black hair and brown eyes who stood 6'4", 250 lbs.*
- *On February 26, 2012, PO Gonzalez was assigned to Impact Foot Post #5-7 and he worked alone in uniform from 2:00 p.m. until 10:35 p.m.*

Memo Book

At 4:20 p.m., PO Ravelo marked that he transported one male to the 47th Precinct stationhouse (encl. 21). PO Gonzalez did not record any entries in his memo book relevant to this incident (encl. 24).

CCRB Statements

PO Ravelo was interviewed at the CCRB on May 6, 2013 (encl. 23). PO Gonzalez was interviewed at the CCRB on April 30, 2013 (encl. 25). Neither officer recalled this incident and their memories were not restored when presented with the arrest report completed by PO Joseph Reeves and with a brief synopsis of the incident. Each officer viewed the photograph of § 87(2)(b) during their CCRB interviews, but they stated that they did not recognize him.

NYPD Documents

SPRINT #§ 87(2)(b)

SPRINT records show that § 87(2)(b) called 911 at 3:51 p.m. and reported that § 87(2)(b) was following her and § 87(2)(b) and was about to attack them (encl. 26). Officers assigned to foot post #1 responded to the location and marked that § 87(2)(b) was arrested at 4:04 p.m. EMS responded to the 47th Precinct stationhouse and treated both § 87(2)(b) and § 87(2)(b) for injuries caused by § 87(2)(b).

Domestic Incident Report

PO Christopher Salley of the 47th Precinct completed a domestic incident report for this incident (encl. 27). § 87(2)(b) was identified in the report as the victim and § 87(2)(b) was identified in the report as the suspect. PO Salley noted that § 87(2)(b) sustained an unknown injury to his bottom lip and that he did not receive medical treatment for the injury; no

additional information regarding the injury or its cause is noted in the report. The report notes that § 87(2)(b) went to § 87(2)(b) in order to deliver documents to § 87(2)(b) and his sister confronted § 87(2)(b) in the front of the building, and he punched § 87(2)(b) choked her, and shoved her against a wall.

§ 87(2)(b) completed a supporting handwritten statement regarding this incident. She stated that she, § 87(2)(b) and § 87(2)(b)'s two children traveled to § 87(2)(b)'s home so that she could deliver his identification card and birth certificate to him because she was no longer dating him. § 87(2)(b) and his mother, § 87(2)(b) and his sister, § 87(2)(b) ran towards § 87(2)(b) and § 87(2)(b) punched § 87(2)(b) and § 87(2)(b) grabbed § 87(2)(b) and choked her so that she could not breathe. § 87(2)(b) knocked § 87(2)(b) off of § 87(2)(b) and § 87(2)(b) ran towards § 87(2)(b)'s children and said that he would kill them. § 87(2)(b) and an unidentified friend held § 87(2)(b) against the ground as § 87(2)(b) walked away from the building with § 87(2)(b) and her children.

Command Log

§ 87(2)(b) was lodged into the 47th Precinct stationhouse at 4:25 p.m. (*encl. 28*). His physical condition was marked as “good.” There is no indication in the command log that § 87(2)(b) received medical treatment from responding EMS.

Additional Documents Not Obtained

§ 87(2)(b)'s arrest was sealed on March 15, 2012, and the CCRB was unable to obtain his arrest photograph as a result. According to the CCRB/IAB Liaison, no Medical Treatment of Prisoner Report was on file at either Bronx Court or at the 47th Precinct. Though requested through the CCRB/IAB Liaison, the Criminal Court Complaint associated with § 87(2)(b)'s arrest has not been delivered to the CCRB as of the date of this report.

Arrest for Incident and Disposition

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Status of Civil Proceedings

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of April 24, 2013, with regard to the incident (*encl. 33*).

Civilian's Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian's CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) (*encl. 5*).

Subject Officers' CCRB History

- PO Brandon Ravelo has been a member of the service for three years and there are no substantiated CCRB allegations against him (*encl. 3*).
- PO Jason Campbell has been a member of the service for two years and there are no substantiated CCRB allegations against him (*encl. 2*).

- PO Johnny Rivera has been a member of the service for two years and there are no substantiated CCRB allegations against him (*encl. 4A*).
- PO Vicente Gonzalez has been a member of the service for three years and there are no substantiated CCRB allegations against him (*encl. 4B*).

Conclusion

Identification of Subject Officers

§ 87(2)(g) [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Allegations Not Pleaded

§ 87(2)(b) [REDACTED] alleged in his telephone statement that PO Rivera told him, “Shut the fuck up or I’ll break your face.” When interviewed at the CCRB, however, § 87(2)(b) [REDACTED] only alleged that PO Rivera threatened to “break” his face. § 87(2)(g) [REDACTED]
 [REDACTED]
 [REDACTED]

§ 87(2)(g) [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Investigative Findings and Recommendations

- **Allegation A: Discourtesy: PO Jason Campbell spoke discourteously to** § 87(2)(b) [REDACTED]
 [REDACTED]
- **Allegation B: Discourtesy: PO Brandon Ravelo spoke discourteously to** § 87(2)(b) [REDACTED]
 [REDACTED]

§ 87(2)(b) [REDACTED] stated that in response to him telling PO Campbell and PO Ravelo that he would “beat” § 87(2)(b) [REDACTED] PO Campbell and PO Ravelo both told him, “Sit down. It’s not that serious, he’s just talking shit.” § 87(2)(g) [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

§ 87(2)(g)

- **Allegation C: Abuse of Authority: PO Johnny Rivera threatened § 87(2)(b) with the use of force.**
- **Allegation D: Force: PO Johnny Rivera used physical force against § 87(2)(b)**

§ 87(2)(b) alleged that PO Rivera rushed into the van and told him, “You keep screaming and talking like that and I will break your face!” According to § 87(2)(b) PO Rivera then grabbed him by the throat and pressed his face into a window inside the van for about ten seconds; during this time, § 87(2)(b) continued breathing and he yelled to his mother, “Ma’, police brutality!” The left side of § 87(2)(b)’s face made contact with the window, and as a result of the contact his face made with the window, the lower second premolar tooth on the right side of § 87(2)(b)’s mouth fractured and he began to bleed from his mouth and he spit his tooth out.

Though he corroborated that PO Rivera placed his hands around § 87(2)(b)’s neck and pressed his face against the window, § 87(2)(b) exaggerated the extent to which PO Rivera performed this action by stating that he did so for about ninety seconds. § 87(2)(b) never saw § 87(2)(b) bleeding and he did not report that he sustained any injuries to his teeth. § 87(2)(b) reported that it was PO Ravelo, not PO Rivera, who placed his hands around § 87(2)(b)’s throat and choked him. § 87(2)(b) though standing directly outside the van, did not report that § 87(2)(b)’s face made contact with a window inside the van, and she did not report that § 87(2)(b) was bleeding or sustained any injuries to his teeth.

PO Rivera denied interacting either verbally or physically with § 87(2)(b) during this incident. He denied threatening him with physical force and he denied grabbing § 87(2)(b) by the throat and pressing his face against a window. All other officers interviewed as part of this investigation either denied or did not recall PO Rivera performing these actions, and none of the officers interviewed as part of this investigation, including PO Rivera, had knowledge of § 87(2)(b) sustaining a fractured tooth.

§ 87(2)(b) received no medical treatment for his alleged fractured tooth either while in police custody or after he was released from prison following his fifteen day sentence. Police documents include conflicting information about § 87(2)(b)’s physical condition following his arrest. The domestic incident report notes that § 87(2)(b) sustained an injury to his bottom lip, but there is no other information about the injury or its cause listed in that report. The arrest report and the command log lists § 87(2)(b)’s physical condition, respectively, as “good” and “apparently normal.” No medical treatment of prisoner report was located for § 87(2)(b) § 87(2)(g)

§ 87(2)(g)

The photograph of § 87(2)(b)'s teeth taken at the CCRB on April 2, 2012, over a month after § 87(2)(b)'s arrest, depicts blood at the site where the portion of § 87(2)(b)'s tooth became dislodged.

§ 87(2)(g)

§ 87(2)(b) stated that the video footage she captured did not contain any footage of what the officers allegedly did to her son because she was pointing the camera with her left hand towards the van as she spoke to an officer outside of the van. According to § 87(2)(b) dropped her cell phone in the toilet and damaged both the phone and the footage contained within it. The video footage recorded by § 87(2)(b) was therefore never obtained by the investigation.

§ 87(2)(g)

- § 87(4-b), § 87(2)(g)

Team: 6

Investigator: _____ Jonathan Phillips _____
Signature Print Date

Supervisor: _____ _____
Title/Signature Print Date

Reviewer: _____ _____
Title/Signature Print Date

Reviewer: _____ _____
Title/Signature Print Date

